

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KTM AG,)	
)	Case No. 21-cv-1379
Plaintiff,)	
)	Judge Elaine E. Bucklo
v.)	
)	
THE INDIVIDUALS, CORPORATIONS,)	
LIMITED LIABILITY COMPANIES,)	
PARTNERSHIPS AND UNINCORPORATED)	
ASSOCIATIONS IDENTIFIED ON SCHEDULE)	
A HERETO,)	
)	
Defendants.)	

**PLAINTIFF’S NOTICE OF VOLUNTARY DISMISSAL WITH LEAVE TO
REINSTATE**

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiff KTM AG hereby dismisses without prejudice with leave to reinstate on or before November 16, 2021, against Defendants No. 124 “4Max Store”, No. 126 “A&M Kebull’s Parts”, No. 141 “CHINA CNC PARTS” and No. 143 “CN Motorcycle Parts Store”. In the event a motion to reinstate is not filed on or before November 16, 2021, the case shall be deemed, without further order of the Court, to be dismissed with prejudice against Defendants No. 124 “4Max Store”, No. 126 “A&M Kebull’s Parts”, No. 141 “CHINA CNC PARTS” and No. 143 “CN Motorcycle Parts Store”.

In view of this dismissal, the Motion to Dismiss and Dissolve the Preliminary Injunction Order filed by Defendants No. 124 “4Max Store”, No. 126 “A&M Kebull’s Parts”, No. 141 “CHINA CNC PARTS” and No. 143 “CN Motorcycle Parts Store” is rendered moot. [Dkt. No. 71]. Each party shall bear its own attorney’s fees and costs.

The respective Defendants have not filed an answer to the complaint or a motion for summary judgment in this matter. Therefore, it is respectfully submitted that dismissal under Rule 41(a)(1) is appropriate.

Dated: September 17, 2021

Respectfully submitted,
By: s/Michael A. Hierl
Michael A. Hierl (Bar No. 3128021)
William B. Kalbac (Bar No. 6301771)
Hughes Socol Piers Resnick & Dym, Ltd.
Three First National Plaza
70 W. Madison Street, Suite 4000
Chicago, Illinois 60602

(312) 580-0100 Telephone
mhierl@hsplegal.com

Attorneys for Plaintiff
KTM AG

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the foregoing Notice of Voluntary Dismissal with Leave to Reinstate was filed electronically with the Clerk of the Court and served on all counsel of record and interested parties via the CM/ECF system on September 17, 2021.

s/Michael A. Hierl